

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 04-1370V
(Not to be published)

CHENG KU and SHEN WANG,
natural parents and guardians ad litem
for Tiffany Ku, a minor,

Petitioners,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES

Respondent.

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Filed: October 22, 2012

Decision on Attorney's
Fees and Costs

DECISION¹ (ATTORNEY FEES AND COSTS)

In this case under the National Vaccine Injury Compensation Program,² respondent conceded that petitioners were entitled to an award on behalf of their daughter Tiffany, and I issued a decision concerning damages on April 20, 2012. On October 18, 2012, the parties filed a stipulation concerning attorney's fees and costs in this matter that have not been compensated previously.³ The parties' stipulation requests a total payment of \$186,406.64, representing all of the remaining attorney's fees and costs available under 42 U.S.C. § 300aa-15(e).

¹ The undersigned intends to post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire" decision will be available to the public. Id.

² The applicable statutory provisions defining the program are found at 42 U.S.C. § 300aa-10 *et seq.* (2006).

³ Petitioners have received three previous awards for interim attorneys' fees and costs; on November 20, 2009 (for attorneys' fees and costs), on August 2, 2011 (for costs), and on December 22, 2011 (for costs).

I find that this petition was brought in good faith and that there existed a reasonable basis for the claim. Therefore, an award for fees and costs is appropriate, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amount seems reasonable and appropriate.

Accordingly, I hereby award the total \$186,406.64 as a lump sum in the form of a check payable jointly to petitioners and petitioners' counsel, Thomas P. Gallagher.

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.

IT IS SO ORDERED

/s/ George L. Hastings, Jr.

George L. Hastings, Jr.
Special Master